

### REMARKS

The Examiner rejected claims 1-16 under 35 U.S.C. § 103(a) as being unpatentable over Despotidis et al. (U.S. Patent Application Publication No. 2003/0103077) (hereinafter “Despotidis”). Claims 1-16 are pending in the application.

#### Rejection of Claims 1-16 under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-16 as being unpatentable over Despotidis. Applicant traverses.

Regarding claim 1, Despotidis does not describe a “protocol tester.” In particular, Despotidis does not describe (1) “modifying the visual network plan . . . according to hardware and/or software existing in a protocol tester,” nor does Despotidis describe (2) a “telecommunication measurement task” of a protocol tester:

(1) Despotidis does not describe “modifying the visual network plan . . . according to hardware and/or software existing in a protocol tester.” The Examiner writes that Despotidis’ visual network plan is modified according to hardware and/or software existing in “the system.” However, Despotidis’ “system” does not satisfy the “protocol tester” recited in claim 1. To be clear, Despotidis’ visual network plan is modified in response to “physical elements within the network.” (paragraph [0035]) Physical elements within a network are not equivalent to hardware and/or software in a “protocol tester,” a specific form of test and measurement equipment.

(2) Despotidis does not describe a “telecommunication measurement task.” The Examiner refers to Despotidis’ “telecommunication task,” but this does not satisfy the “telecommunication measurement task” recited in claim 1. To be clear, Despotidis’ network manager is used for functions such as “provisioning . . . restoration, reinstatement, and the like.” (paragraph [0002]). One of ordinary skill in the art of protocol test would not equate Despotidis’ network management functions with the “measurement tasks” of a protocol tester which are intended specifically for testing communication protocols.

For both of these reasons, one of ordinary skill in the art of protocol test would not equate Despotidis’ network manager with a “protocol tester.” Furthermore, it would not have been obvious to one of ordinary skill in the art to modify Despotidis’ network manager so as to create a protocol tester, or to apply the teachings of Despotidis to a protocol tester.

Accordingly, claim 1 is not rendered obvious by Despotidis. Therefore, Applicant requests that the rejection of claim 1 under 35 U.S.C. § 103(a) be withdrawn.

Claims 2-16 are allowable because they depend from claim 1, which is allowable for the reasons discussed above. Accordingly, Applicant requests that the rejection of claims 2-16 under 35 U.S.C. § 103(a) be withdrawn.

#### Conclusion

In view of the foregoing remarks, allowance of claims 1-16 is urged, and such action and the issuance of this case are requested.

Respectfully submitted,  
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